

TECHNICAL STAFF REPORT

DOVE'S FLY

Planning Board Hearing of March 5, 2015 at 7:00 p.m.

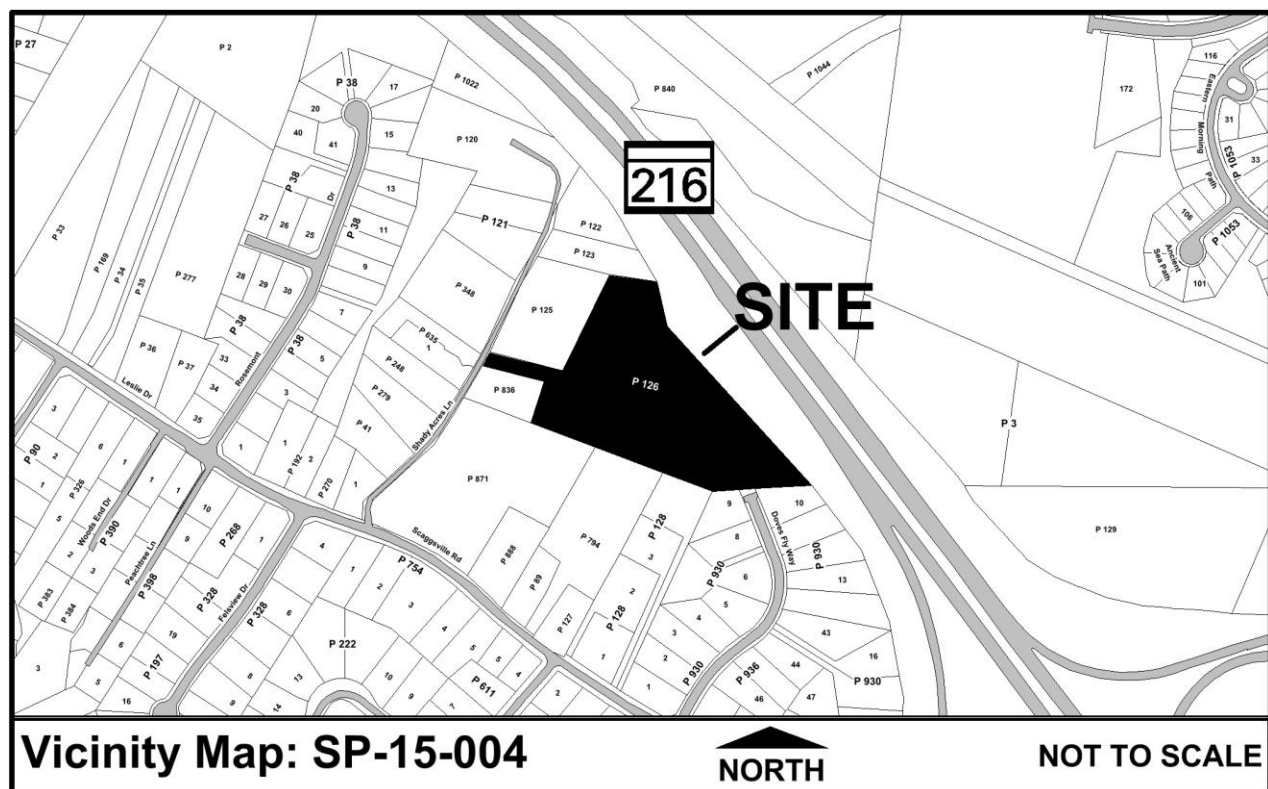
Case No./Petitioner: PB Case No. 410, Williamsburg Group

Project Name: Doves Fly, Parcel 126, SP-15-004

Request: For Planning Board approval of a Preliminary Equivalent Sketch Plan, SP-15-004 for the subdivision of 16 single-family detached (SFD) residential lots and associated improvements on a property zoned "R-20" (Residential-Single). This subdivision plan is being processed for Planning Board approval utilizing Section 108.0.G.3. of the Zoning Regulations allowing land within the "R-20" zoning district to be developed pursuant to Section 107.0.F of the "R-ED" Zoning Regulations.

Location: The area of the subject property is approximately 8.28 acres and is located at the northern terminus of Dove's Fly Way north of Old Scaggsville Road, south of MD Route 216, and east of Shady Acres Lane, on Tax Map No. 47, Grid No. 7, Parcel No. 126, in the Sixth Election District of Howard County, Maryland. The subject property is zoned "R-20" (Residential-Single).

Recommendation: The Department of Planning and Zoning recommends approval of this Preliminary Equivalent Sketch Plan, SP-15-004, subject to compliance with the SRC agency comments.



Vicinal Properties: The project is surrounded by the following properties:

North - Located along the north side of this site are deeded parcels improved with single-family detached dwellings fronting on Shady Acres Lane, zoned R-20. North of those two parcels is the MD Route 216 right-of-way.

East – Located on the east side of this project is MD Route 216

South – Located along the south side of this site are deeded parcels P 871, P 794, P 128 Lot 4, and P 930 Lot 9 & 10 improved with single-family detached dwellings fronting on Doves Fly Way, zoned R-20.

West – Located along the west side of the site are deeded parcels P 125 & P 836 improved with single-family detached dwellings fronting on Shady Acres Lane, zoned R-20.

I. General Comments:

- A. **Legal Notices** – The subject property was properly posted with one (1) official Planning Board notice located at the property ingress/egress at Doves Fly Way beginning January 22, 2015, as verified by the Department of Planning and Zoning staff. Certifications that the legal advertisement appeared in the Baltimore Sun on January 23, 2015 and the Howard County Times on January 29, 2015 were placed into the file for the record.
- B. **Regulatory Compliance** – This project is subject to compliance with the Howard County Subdivision and Land Development Regulations, the Howard County Zoning Regulations, the Design Manual, the Adequate Public Facilities Ordinance, the Forest Conservation Manual and the Landscape Manual.
- C. **General Plan** – The subject property is consistent with the 2030 Plan Howard General Plan, located within the established communities land use designation.
- D. **Site History:**
- ECP-14-064 – An Environmental Concept Plan submitted in March 2014 was approved on April 8, 2014. Originals have not yet been submitted for signature.
 - WP-15-029 - A waiver petition was processed and approved by DPZ on September 25, 2014, for the removal of specimen trees located within the property. The decision on this waiver petition has been deferred until a decision on the preliminary lot layout and any administrative adjustments have been finalized and the exact number and location of trees to be removed is also finalized.
 - AA-15-002 – An Administrative Adjustment to the 75' structure setback from the southern project boundary to the adjoining R-20 parcels was submitted on February 9, 2015 to the Department of Planning and Zoning, Division of Public Service and Zoning Administration. The developer is requesting the setback be reduced from 75' to 60' from the project boundary. The adjustment would allow the developer to preserve additional forest resources to the north and east of the site in accordance with R-ED goals while allowing an adequate forest or landscape buffer and room for stormwater management swales to the newly constructed bioretention facilities and relieve some existing drainage issues for existing residents. Preliminarily, the Department of Planning and Zoning has looked favorably on the adjustment since the adjoining R-20 zoned parcels are long and narrow with no existing homes within close proximity to the project boundary. The Administrative Adjustment hearing has not been scheduled as of the date of publication of this Technical Staff Report.

E. Site and Density Information Chart:

Total Gross Site Area.....	8.28 acres
Minus 100-Year Floodplain Area.....	0 acres
Minus 25% or Greater Steep Slope Area.....	0 acres
Net Site Area	8.28 acres
Based Density Permitted (2 units per net acre).....	16 lots
Maximum Density Allowed with 10% Bonus Density Provision Per Section (16X10 = 1.6)	+1 lot
108.0.G.2. of the Zoning Regulations **	17 lots
Density Proposed.....	16 lots
<i>(**The bonus density credit required by Section 108.0.G.2 is required to be purchased from a Neighborhood Preservation Parcel even if the 17th lot is not created)</i>	
Moderate Income Housing Units (MIHU) Required (10%)	2 lots
<i>The MIHU requirement will be satisfied with a fee-in-lieu payment</i>	
Area of Proposed Residential Lots.....	2.90 acres
Approximate Limit of Disturbance.....	5.85 acres
<i>(71% of total site)</i>	
Open Space Required (50% of gross site area)	4.14 acres
Credited Open Space Proposed (51.7% of gross area)	4.43 acres
Recreational Open Space Required 300 sq. ft. per lot x 16)	4,800 sq.ft.
Recreational Open Space Proposed.....	5,250 sq.ft.

F. Site Analysis:

Access and Structures – Public road access for this subdivision will be provided by a new public road extended from the existing northern terminus of Doves Fly Way. The new public road is a 50-foot wide right-of-way with a 24-foot paving width and will terminate in a cul-de-sac.

The parcel is currently improved with one existing house which will be removed to make way for the proposed subdivision. There are no known historic structures, cemeteries or grave sites located on this property.

Water and Sewer Service – The site is located within the Metropolitan District and will be served by public water and sewer facilities.

Noise Mitigation – The site is bisected by a 65 dBA Noise Line. The proposed location of the houses on site mitigate the interior noise to roughly to 45 dBA which is in compliance with Howard County noise abatement criteria per the Subdivision and Land Development Regulations. All rear yards are outside and beyond the 65 dBA noise line. Noise mitigation is not required for this project.

Existing Environmental Site Characteristics:

- **Forest Cover** – The majority of the site is wooded. 3.8 acres of the site area qualifies as forest. Two forest stands are identified in the Forest Stand Delineation Report. Stand F-1 consists of 3 acres of a mixed-oak community along the eastern property boundary with 80% canopy closure. The age is estimated to be 60-90 years and in good condition. Stand F-2 is 0.8 acres of younger successional community (about 15-20 years old) with 60% canopy closure in good condition, with the exception of some invasive species within the understory. The on-site forest is an isolated tree stand, only connected to other forest within the area by forest within the Route 216 right-of-way. However, it is a healthy stand that also provides a valuable buffer between the residences and Route 216.
- **Topography** – The subject property is somewhat triangular in shape and contains

approximately 0.16 acres of intermediate slopes. There are no steep slopes (25% or greater). The overall site gently slopes west to east.

- **Wetlands, Streams and 100-Year Floodplain** – The site contains no wetlands or floodplain. However, existing drainage issues have been identified along the southern boundary of the property, which are being addressed with the plan design for this subdivision. Please see Section I.G. for additional information.

G. Proposed Development Plan:

Subdivision Plan – The proposed subdivision utilizes Section 108.0.G.3 of the Zoning Regulations which permits properties zoned R-20 to be developed utilizing R-ED Zoning Regulations, provided only single-family detached homes are proposed and the property to be developed is more than 100,000 sf in size. The development plan submitted for Planning Board approval consists of 16 residential lots for single-family detached dwellings and 2 open space lots. The typical lot sizes range from 7,038 to 12,052 square feet in area (the minimum lot size for the “R-ED” zoning is 6,000 sq. ft.). Twelve of the proposed residential lots will directly abut open space areas. Stormwater management will be provided on-site for this subdivision using swales, bioretention areas, and rooftop disconnects. A 2.66 acre on-site forest conservation easement is also provided.

Neighborhood Preservation Density Exchange for Infill Development – As stated above, the subject property is being developed pursuant to Section 108.0.G.3 of the Zoning Regulations which permits land in the “R-20” zoning district to be subdivided in accordance with the “R-ED” Zoning Regulations, if the property will be a Receiving Parcel in the Density Exchange for Neighborhood Preservation Parcels program and is:

1. Subdivided for single-family detached residential units or lots, and
2. The combined total lot areas is more than 100,000 square feet (2.3 acres), and
3. The development is subject to the “R-ED” regulations including the requirement for Planning Board review and structures are required to be set back 75 feet from project boundaries adjoining single-family detached developments.

In accordance with Section 108.0.G and 128.0.K.3 of the Zoning Regulations, a parcel of 5 acres or greater in size in the “R-20” Zoning District may be developed as a receiving parcel for additional density in association with a Density Exchange for a Neighborhood Preservation Easement sending parcel at a bonus of up to 10% more dwelling units than would be achievable based on net density using the “R-ED” Zoning Regulations. **This subdivision is permitted to receive 1 density exchange unit. The developer will not be building the additional dwelling unit but is still required to purchase the density sending credit in order to develop the property using R-ED regulations per Section 108.0.G.** A sending parcel has not yet been determined. The sending parcel must be identified and a Density Sending Plat submitted to the Department of Planning and Zoning for review prior to the recordation of the plat for this subdivision.

Bulk Regulations (Section 107.0.D):

- **Density-** R-ED provisions permit 2 dwelling units per net acre. There are 8.28 net acres for a maximum of 16 dwelling units permitted. 16 dwelling units are proposed with this subdivision.
- **Lot Size Requirements-** R-ED bulk regulations requirement a minimum lot size of 6,000 square feet for single-family detached dwellings. The minimum lot size proposed with this subdivision is 7,038 square feet.
- **Minimum Lot width** – The minimum lot width permitted for R-ED lots is 50’. This subdivision complies with this requirement with a minimum lot width of 64’ and most lots averaging about 72’ lot width.

- **Building Restriction Lines and Setbacks** – All lots comply with the required building restriction lines. In addition, as designed, the lots along the southwestern project boundary comply with the 75' setback for structures for properties zoned R-20 utilizing R-ED regulations where adjoining single-family detached developments. As previously mentioned, an Administrative Adjustment petition is currently under review for the project to reduce the setback from 75' to 60' along the southwest boundary.

Forest Conservation – The proposed development currently proposes the removal of 2.8 acres of existing forest. A 2.66 acre forest retention easement is proposed on-site, with 1 acre of remaining forest being retained in easement and 1.66 acres of reforestation being planted in an easement. An additional 0.24 acre off-site easement or payment of fee-in-lieu will also be required to fulfill the total 1.9 acre planting obligation. However, there is an Administrative Adjustment petition (AA-15-002) submitted to reduce the project boundary setback for structures from the existing R-20 zoned parcels along the southern boundary from 75' to 60' in order to move proposed lots and road south, which will increase the amount of forest that can be retained on the northern portion of the site. Doing so will allow 2 acres of forest to be retained instead of about 1.5 acres, and will allow the entire afforestation requirement to be planted on-site.

Landscaping – This project will comply with the perimeter and street tree landscaping requirements of the Landscape Manual. Perimeter landscaping will be addressed with new landscape plants provided along the eastern, southern and western boundaries. Forest retention areas will be preserved around the perimeter of the property providing vegetative credit toward the perimeter landscaping, and there will also be forest planting along the west and south perimeters. The proposed landscaping meets the requirements of the Landscaping Manual.

Adequate Public Facilities:

- **Roads Test** - This subdivision passed the test of the Adequate Public Facilities Ordinance (APFO) for vicinal major road intersection adequacy within 1.5 miles from the site access. The required key intersection analyzed for this project was the intersection of U.S. Route 29 (Principal Arterial) at MD 216 (Intermediate Arterial) and Ice Crystal Drive. The traffic impact analysis prepared by The Mars Group (developer's consultant) dated April 2014, determined that this intersection currently operates and will continue to operate at an acceptable level of service during AM and PM peak hours through the design year of 2017. With the additional trips anticipated to be generated with this project during these peak hours, the studied intersection is projected to maintain acceptable Level of Service "A" during AM Peak Hours and Level of Service "C" during PM Peak Hours, which satisfies Howard County Adequate Road Facilities Test Evaluation requirements. The DPZ, Development Engineering Division approved the APFO roads test for this project on January 12, 2015.
- **Schools Test** – This project is located in the Established Communities Planning Area, the West School Region, the Fulton Elementary School District and the Hammond Middle School District. Upon signature of the Decision and Order for this hearing, the test for availability of housing unit allocations will be taken. Once allocations are granted, then the Open/Closed Schools Test will be taken. Please note that at the present time, housing unit allocations are not available in the Established Communities Planning Area.

II. Planning Board Criteria:

In accordance with Sections 107.0.F.6 of the Howard County Zoning Regulations, the following 3 criteria must be considered by the Planning Board when evaluating the Preliminary Equivalent Sketch Plan which is being developed pursuant to the "R-ED" Zoning District Regulations.

1. **The proposed lay-out of lots and open space effectively protects environmental and historic resources.**

The site does not have any historic resources and the only environmental resource is the existing forest. Due to site constraints, the existing Doves Fly Way right-of-way, and the existing Maryland State Highway Route 216 right-of-way, there is no opportunity to protect all the existing forest resources. The proposed layout utilizes the existing Doves Fly Way right-of-way location and curves into the site away from the most desirable area of forest. The remaining forest area is being protected by forest conservation easements. In addition, the applicant currently has an Administrative Adjustment under review with the Division of Public Service and Zoning Administrative to reduce the setback for structures along the southwest property boundary from 75' to 60' in order to orient the proposed lots and right-of-way further south in order to maximize the amount forest that can be retained with the proposed subdivision. The Department of Planning and Zoning has proposed a condition of approval to require utilization of the opportunity to maximize forest retention if the AA-15-002 is approved.

2. **Buildings, parking areas, roads, storm water management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grubbing.**

The existing topography has played a key role in the proposed lot layout, with stormwater management facilities being placed in naturally low areas of the site, minimizing the grading necessary to construct them. The proposed road matches existing grades as much as possible minimizing cut and fill operations on the site. Much of the grading along the south boundary is necessary in order to improve existing drainage issues that impact existing adjoining residents.

3. **Setbacks, landscaped buffers or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts.**

A forest conservation easement borders approximately 80% of the perimeter of the site with a minimum 35' width. The remaining site boundary contains the road connection and proposed landscaping or additional existing trees that are less than the minimum width required for a forest conservation easement. The proposed lots are located a minimum of 35' from the site boundaries with an open space lot between them.

The subdivision plan proposes an open space area that exceeds the acreage required by the Regulations. The most environmentally sensitive areas of this property located in the northeastern portion along MD Route 216 of the site will be permanently protected and preserved as recorded forest conservation and dedicated as open space to the Homeowners Association. The subject property is not located in a Historic District or on a scenic road.

Section 107.0.D of the Howard County Zoning Regulations refers to the various bulk regulations for the development of the property. As currently designed, the project complies with all regulations and setbacks within Section 107.0.D and the 75' setback for structures along project boundaries adjoining existing single-family detached developments required by Section 108.0.G.3. of the Zoning Regulations. Lot sizes are between 7,000 square feet and 12,000 square feet and building heights will comply with the 34' maximum height requirement. As previously stated, the developer has requested approval of an Administrative Adjustment to reduce the 75' setback for structures to 60' along the south property boundary in order to maximize forest protection on the north side of the property. The Department of Planning and Zoning is supportive of this request since existing residential parcels to the south do not have residences close to the project boundary.

SRC Action:

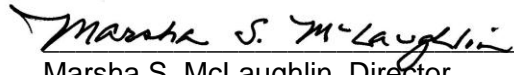
The Subdivision Review Committee (SRC), by letter dated January 16, 2015, determined this subdivision plan, SP-15-004, to be approvable, subject to compliance with their comments as follows:

1. All remaining drafting comments in ProjectDox markups.
2. If approved, that the applicant shall utilize the setback reduction from 75' to 60' on the southwest side of the property as proposed in AA-15-002 to maximize the amount of existing forest to be retained on the northeast side of the property.

Please note that this file is available for public review at the Department of Planning and Zoning's public service counter, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Recommendation:

In conclusion, this subdivision plan proposal meets or exceeds the objectives of the Planning Board Criteria in accordance with the "R-ED" Zoning Regulations and the Subdivision and Land Development Regulations. Therefore, based upon all of the above findings, the Department of Planning and Zoning recommends approval of this Preliminary Equivalent Sketch Plan, SP-15-004, subject to compliance with the SRC agency comments.


Marsha S. McLaughlin, Director
Department of Planning and Zoning

2/18/15
Date